

Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 1, 2, 5, 6, 8, 9, 10A, 10B, 10 and 11. Sheets 1, 2, 5, 6, 8, 9 and 11, which include amended Figures 1, 2, 5, 6, 8, 9 and 11, respectively, replace original sheets 1, 2, 5, 6, 8, 9 and 11, which include Figures 1, 2, 5, 6, 8, 9 and 11, respectively. Sheet 10, which includes amended Figures 10A, 10B and 10C, replaces the original sheet including Figures 10A, 10B and 10C. The amendments to the drawings are described in the Remarks which follow.

Attachments: Replacement Sheets
 Annotated sheets showing changes

REMARKS/ARGUMENTS

This is in response to the Office Action mailed October 15, 2004. Claims 22-24 have been withdrawn. Claims 1 and 25 have been amended to further particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims do not include any amendments for a purpose of limiting the inventive subject matter, but rather are intended to emphasize certain aspects of the invention already set forth in the claims. Support for the amendments can be found throughout the originally filed application, e.g., Figures 1, 2, 8, 9 and 10A. No new matter has been added.

Independent claim 1 and its dependent claims 2-21 and independent claim 25 and its dependent claims 26-40 are currently pending and at issue.

Reconsideration of the application is respectfully requested.

Restriction/election

In paragraph 1 of the office action, the Examiner has reconsidered and withdrawn the restriction of certain sub-combinations and has rejoined claims 1-21 and 25-50, but has maintained the restriction to claims 22-24, which were deemed withdrawn from further consideration. Non-elected matter includes claims 22-24, which are hereby withdrawn. Should the examiner find the elected species patentable, it is then respectfully requested that the non-elected species be examined. The Applicants reserve the right to file a divisional application to all claims withdrawn, cancelled or restricted out.

Reference to applications, publications and patents

The Examiner has deemed improper "the attempt to incorporate subject matter into this application by reference to SN 10/366,674." The listing of this application is typographically incorrect and it should have stated SN 10/366,574. Regardless, paragraph 50 has been replaced with a new paragraph to identify the application by its publication number. Also, paragraph 1

has been replaced with a new paragraph that further identifies the listed applications by their patent number. No new matter is introduced by these amendments.

Drawings

The Examiner has objected to the drawings under 37 C.F.R. 1.83 (a) for allegedly failing to show every feature of the invention specified in the claims.

In paragraph 3 of the office action, the examiner has objected to the drawings because "the plastic material of the container as claimed in claims 1-21 and 25-40 must be shown by proper cross hatching." Figures 6, 10C and 11 have been amended to show proper cross hatching for plastic material.

The Examiner has also objected to the drawings because "the features '22c' and '23' do not appear to have been identified." The feature "23" is another embodiment of the invention that is not shown in the figures. Paragraph 48 has been amended and replaced by a new paragraph that does not reference feature "23." Paragraph 44 includes a typographical error referencing feature "22c." New paragraph 44 is presented referencing the correct features of "22a" and "22b." This amendment also addresses the Examiner's objection that "the feature '22a' doesn't appear to have been described." Feature "22a" is now described in amended paragraph 44. Also, a typographical error referencing "Fig. 3" has been corrected to reference "Fig. 9."

Applicants have also amended Figure 10B and paragraph 30 to replace the description to reference of feature "I-I" with "10C-10C". Figure 5 has been amended to remove reference to feature "32". Figures 1-2, 6, 8, and 9-11 have been amended to replace handwritten notations with typed text. Also, contour lines have been removed from Figures 10A and 10B.

No new matter is introduced by these amendments to the drawings or the disclosure.

Disclosure

In Paragraph 4, the Examiner has objected to the disclosure because "Applicants appear to have used '12' to describe both a carafe and closure." In paragraph 43, the second reference to feature "12" is a typographical error and should have stated "10" to describe the carafe. A new paragraph is submitted to replace paragraph 43, correcting this error.

Also, in paragraphs 32 and 56, typographical errors are corrected.

Rejections Under 35 U.S.C. § 103(a)

The present invention, as set forth in independent claims 1 and its dependent claims 2-21 and independent claim 25 and its dependent claims 26-40, are directed to a carafe. A carafe is defined as "a bottle with a flaring lip." (e.g., Webster's Ninth New Collegiate Dictionary Merriam-Webster Inc., Publishers, Springfield, Massachusetts, U.S.A. 1986) and would generally be understood to have a particular shape. Independent claims 1 and 25 have been amended to emphasize the carafe's flared neck portion that has a blown finish and defines a wide-mouth. None of the cited or applied references, either alone or in combination, disclose, teach or suggest a carafe (with a flaring lip) comprising a flared neck portion having a blown finish and defining a wide-mouth as set forth in claims 1-21 and 25-40.

In paragraph 5, the Examiner has rejected claims 1, 6-8, 10-12, 14, 16 and 25-28 under 35 U.S.C. §103(a) as being unpatentable over Bailey (U.S. Patent No. 3,229,841) in view of Smith (U.S. Patent No. 6,228,317).

The Examiner asserts that "Bailey teaches a blow molded large mouth plastic container with a closed base connected to a body portion with posts and panels [and that the] body portion is connected to a shoulder portion which is connected to a neck with a threaded finish." The Examiner further contends that it "is known in the art to blow mold a finish on a wide mouth

container as taught by Smith [and that to] have formed the finish on the container of Bailey as a blown finish to improve the finish would have been obvious in view of such teaching by Smith." Moreover, the Examiner purports that the "mouth of Bailey is at least 2.5 inches [and that the] container is at least 1.75 l."

However, Applicants contend that the present invention is distinct from Bailey, which is primarily directed to the mechanical structure of a cap supporting inlet comprising threads projected outwardly and having dimpled recesses to provide rigidity and/or a peripheral lip directed inwardly and outwardly relative to the upper corner edge of the upright cylindrical wall of the container. The inlet is designed for lightweight disposable, yet durable plastic bottles or jars. (Column 1, lines 9-11, column 2, lines 24-40, and claims). At most, Bailey teaches:

[a] typical jar 10...having a general square cross sectional configuration. At the opening of the jar 10 is mounted a cap 20, having threads 21 that engage threads 19 of the jar 10. The neck 11 is capped by an inwardly directed shoulder 12 that leads to the bottom end of an upright cylindrical wall 13.

(Column 2, lines 13-23, emphasis added).

The generally flat panels of Bailey that form the square are joined together by rounded corners. As best seen in figure 3 of the present invention, the posts (18) are not the rounded corners of Bailey. Furthermore, Bailey does not disclose or suggest a carafe comprising a flared neck portion having a blown finish and defining a wide-mouth as set forth in present claims 1 and 25. The jar disclosed in Bailey is of typical construction having "an inwardly directed shoulder" leading to the finish. This description is distinct from a carafe-shaped container. Applicants submit that it would not be obvious to persons skilled in the art to modify Bailey in order to provide a carafe as set forth by the present invention.

Smith '317 teaches a wide-mouth blown plastic bottle 10, which has a blown finish, having a cylindrical body region 11 located between a standing ring 12 and a faceted dome 13

(column 2, lines 55-58). However, Smith '317 does not teach or suggest a carafe comprising a flared neck portion having a blown finish and defining a wide-mouth as set forth in claims 1 and 25. Smith '317, again, discloses a container of typical construction having a dome that narrows to a finish.

Therefore, neither Bailey nor Smith '317, alone or in combination, disclose, teach or suggest a carafe comprising a flared neck portion having a blown finish and defining a wide-mouth as set forth in claims 1 and 25. Moreover, claims 6-8, 10-12, 14 and 16 and claims 26-28 are dependent from and therefore include all the limitations of claims 1 and 25, respectively. Therefore, claims 1, 6-8, 10-12, 14, 16 and 25-28 are patentable because neither Bailey nor Smith '317, either alone or in combination, disclose, teach or suggest a carafe comprising a flared neck portion having a blown finish and defining a wide-mouth as set forth by the present invention.

In paragraphs 6-17 of the Office Action, the Examiner has also rejected claims 2-5, 9, 13, 15, 17-21 and 29-40 under 35 U.S.C. §103(a) as being unpatentable over Bailey and Smith '317 as applied to claim 1 and 25 above, and further in view of other references. However, none of the additional references cited or applied in paragraphs 6-17, either alone or in combination, disclose, teach, suggest and/or cure the defects of Bailey and Smith '317 as discussed above with respect to claims 1 and 25. Claims 2-5, 9, 13, 15 and 17-21 and 29-40 are dependent from and therefore include all the limitations of claims 1 and 25, respectively. Therefore, dependent claims 2-5, 9, 13, 15, 17-21 and 29-40 are patentable because Bailey, Smith '317 and the other cited or applied references from paragraphs 6-17, either alone or in combination, do not disclose, teach or suggest a carafe comprising a flared neck portion having a blown finish and defining a wide-mouth as set forth by the present invention.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicants request that the Examiner issue a Notice of Allowance indicating the allowability of claims 1-21 and 25-40 and that the application be passed to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Dated: March 15, 2005

Respectfully submitted,

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Attachments

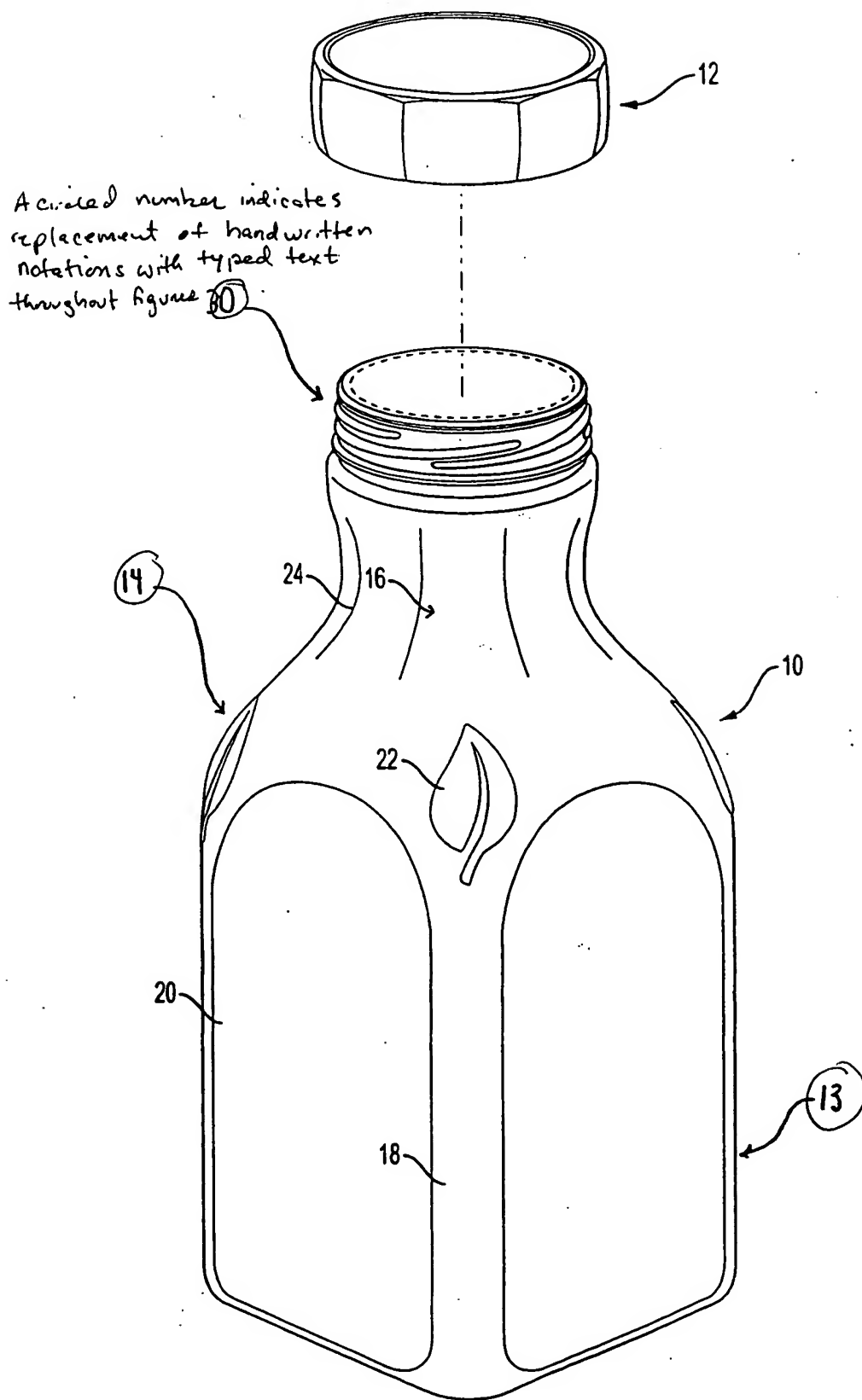


FIG. 1

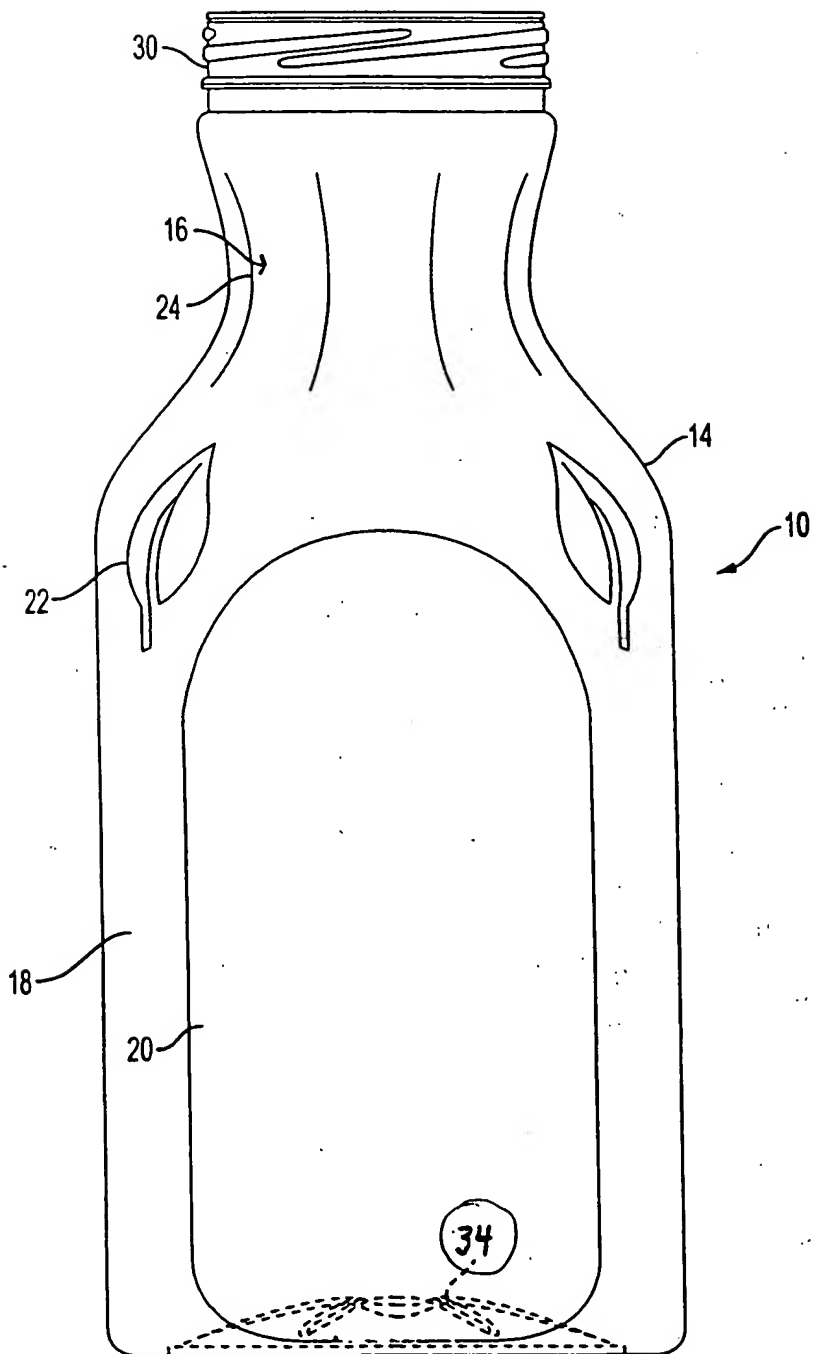


FIG. 2

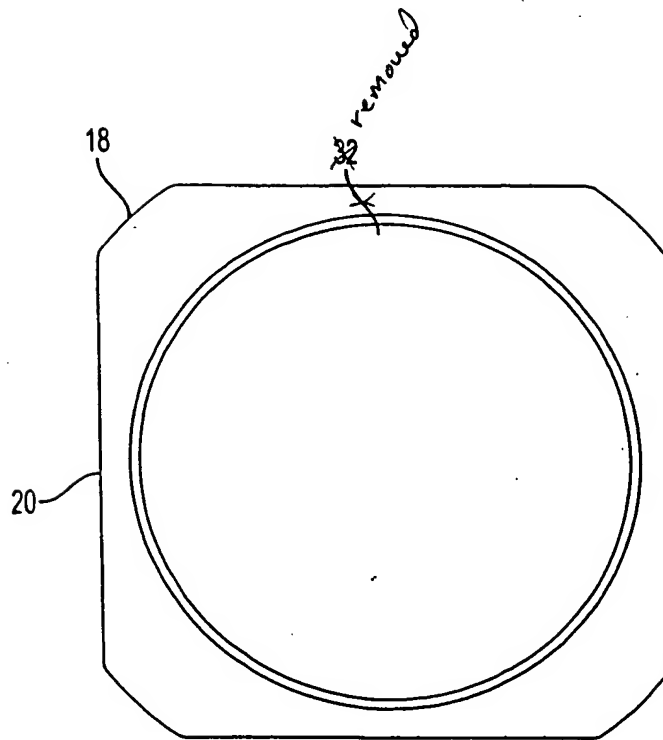


FIG. 5

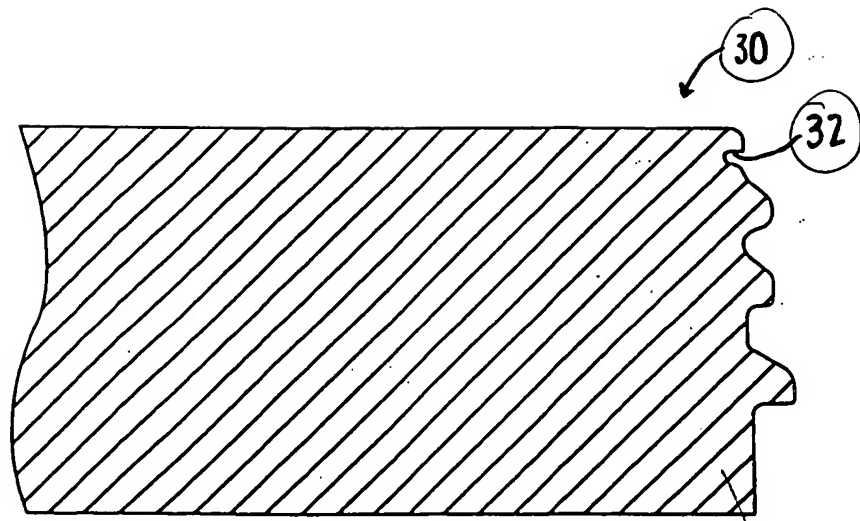


FIG. 6

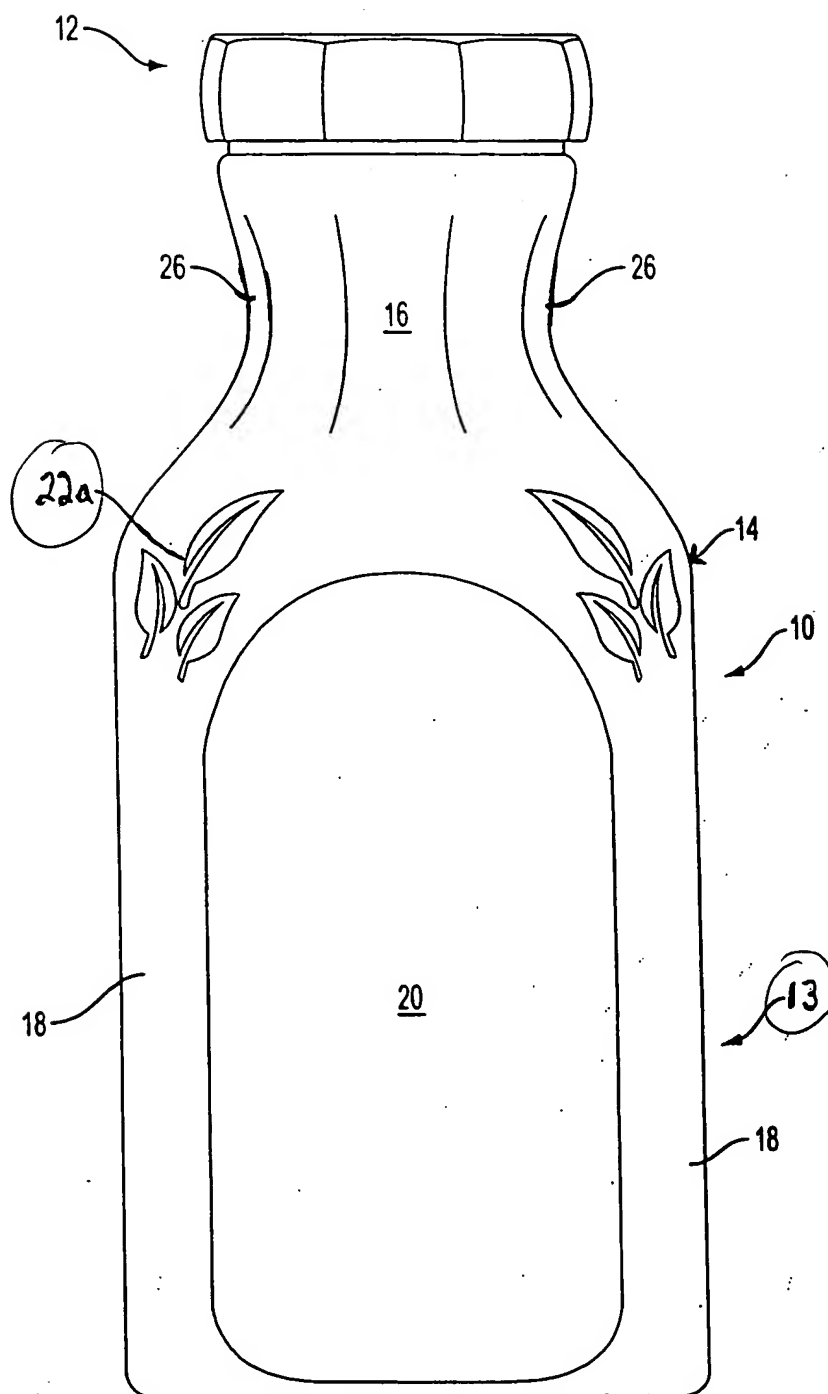


FIG. 8

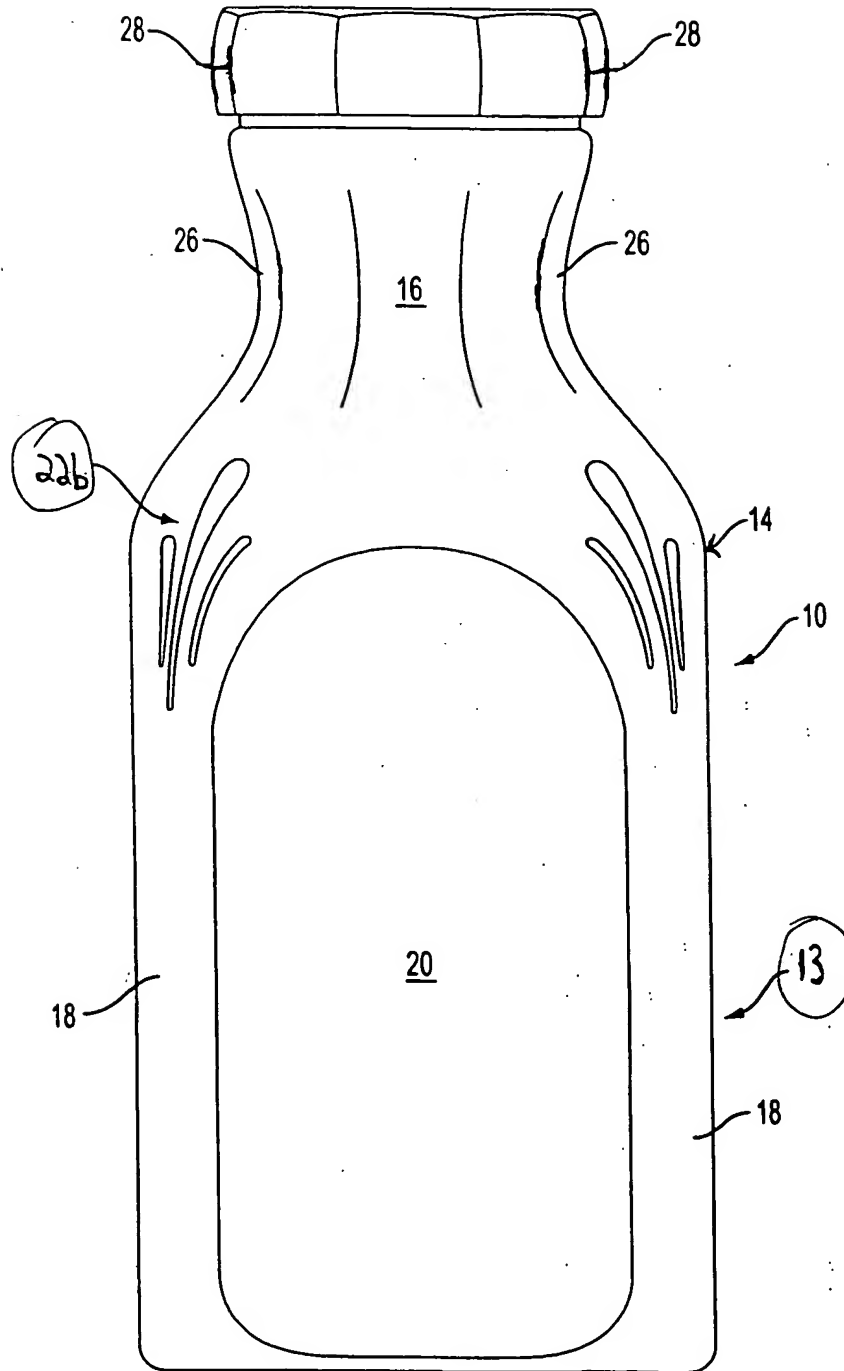


FIG. 9

FIG. 10A

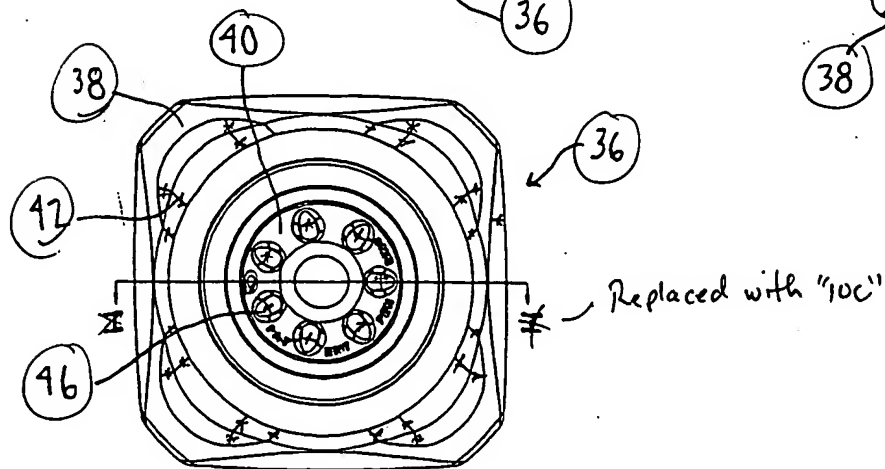
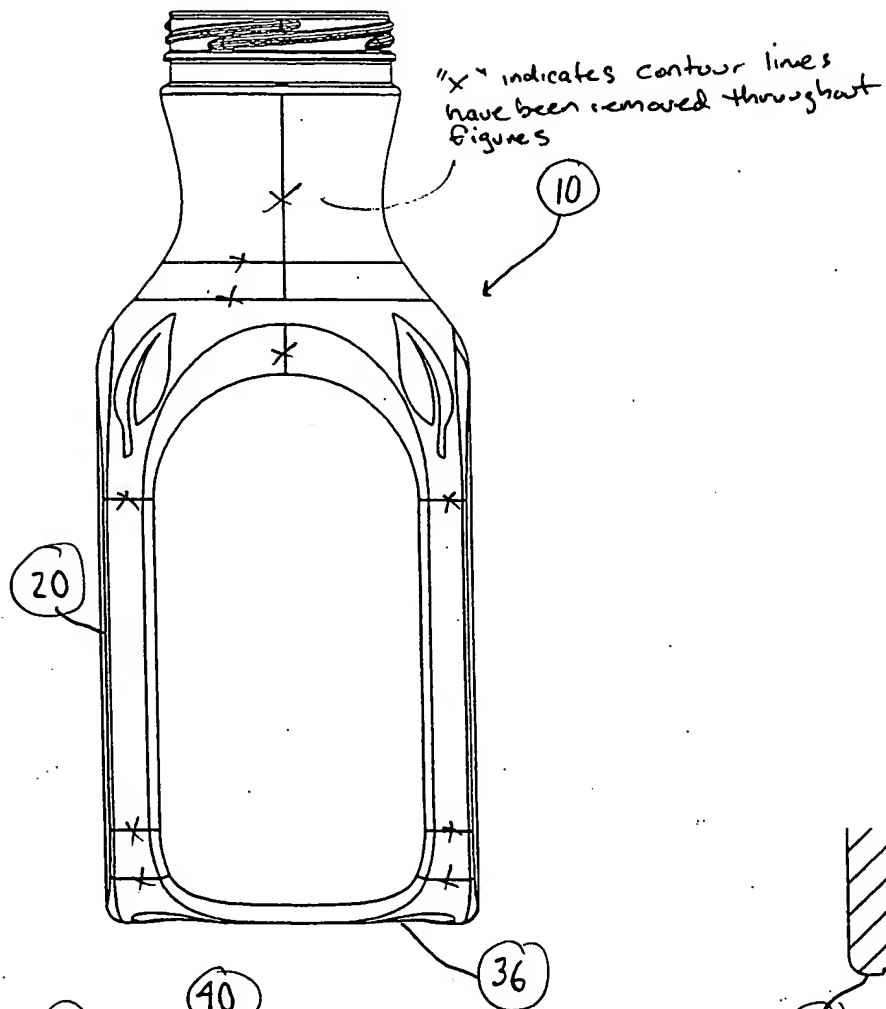
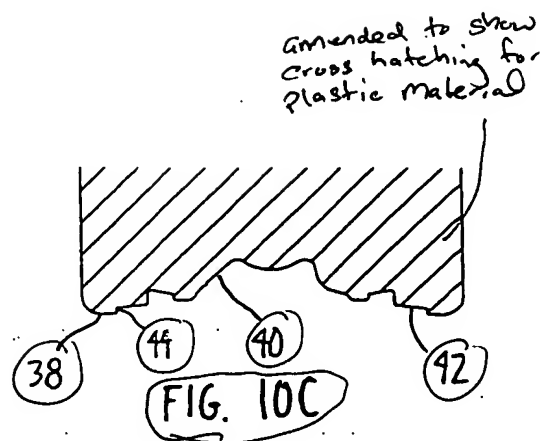


FIG. 10B



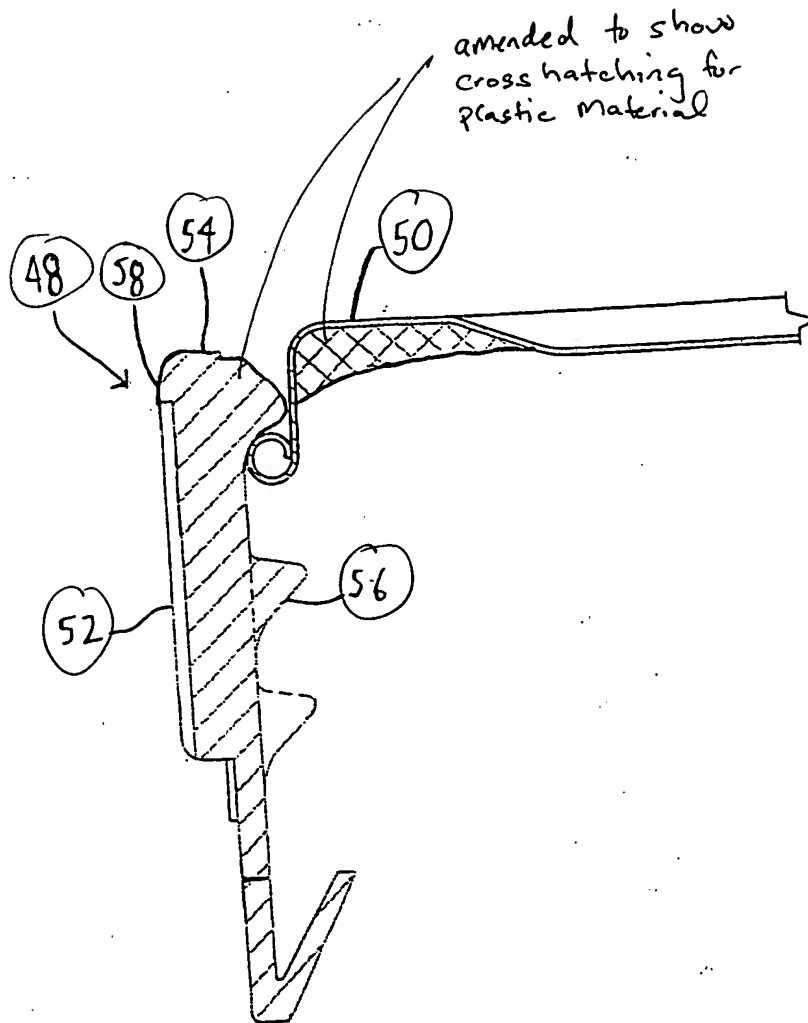


FIG. 11